

AMENDMENTS TO THE CLAIMS:

Please cancel Claims 8 and 15 without prejudice to or disclaimer of the subject matter recited therein.

Please amend Claims 1, 3, 4, 7, 9, 10, and 12 through 14 as follows:

1. (Currently Amended) An image generating apparatus comprising:

image pickup means for picking up an object image at predetermined time intervals and generating image pickup data;

encoding means for encoding the image pickup data as motion picture image data having an image rate which is based on the predetermined time intervals;

output means for outputting the ~~encoded~~ motion picture image data encoded by the encoding means; and

control means for controlling the output means to change the output mode of the motion picture image data output from the output means according to the number of pixels of the image pickup data picked up by the image pickup means and the image rate.

2. (Original) An apparatus according to claim 1, further comprising detection means for detecting the state of a receiving device for receiving the motion picture image data output from the output means,

wherein the control means controls the output means according to the state information which is based on the state of the receiving device detected by the detection means.

3. (Currently Amended) An apparatus according to claim 2, wherein the control means controls ~~the motion picture image data output from the output means so that~~ to start and stop the output of the a motion picture image data output thereof is started or stopped.

4. (Currently Amended) An apparatus according to claim 2, wherein the control means controls ~~a the motion picture image data output of from the output means on an each~~ a per picture basis.

5. (Original) An apparatus according to claim 2, wherein the detection means detects the receiving state of the receiving device.

6. (Original) An apparatus according to claim 2, wherein the receiving device is a recording device, and the detection means detects the recording state of the recording device.

7. (Currently Amended) An apparatus according to claim 1, further comprising read-out means for selecting and reading out a pixel range to be picked up by the image pickup means, and the predetermined time intervals ~~and the image rate in the encoding means~~ in the image pickup means are set according to the number of pixels in the pixel range selected by the read-out means.

8. (Canceled)

9. (Currently Amended) An apparatus according to claim 1, wherein the encoding means executes encoding using a sub-band encoding system, and the output means is arranged to can select at least one type of scalability as the output mode of the motion picture image data.

10. (Currently Amended) An apparatus according to claim 9, wherein the output means is arranged to can select a resolution scalability or an SN scalability as the output mode of the motion picture image data.

11. (Original) An apparatus according to claim 1, further comprising first memory means for storing information as to the image pickup capability of the image pickup means, second memory means for storing information as to the encoding capability of the encoding means, and setting means for setting the image pickup means and the encoding means using at least one of the respective information stored in the first and second memory means.

12. (Currently Amended) An image generating method[[,]] comprising the steps of:
picking up an object image at predetermined time intervals and generating image pickup data;

encoding the image pickup data as motion picture image data having an image rate which is based on the predetermined time intervals;

outputting the encoded motion picture image data encoded in the encoding step; and

controlling the output step to change the output mode of the motion picture image data of the output step according to the number of pixels of the image pickup data picked up in the image pickup picking up step and the image rate.

13. (Currently Amended) A method according to claim 12, further comprising ~~the a~~ step of detecting the state of a receiving device for receiving the motion picture image data output in the output step, wherein the control step controls the output step according to the state information which is based on the state of the receiving device detected in the detection step.

14. (Currently Amended) A method according to claim 12, further comprising ~~the a~~ read-out step for selecting and reading out a pixel range to be picked up in the ~~image-pickup~~ picking up step, and the predetermined time intervals ~~and the image rate in the encoding step in~~ the picking up step are set according to the number of pixels in the image range selected at the read-out step.

15. (Canceled)

16. (Original) A storage medium storing a program executable by a data processing apparatus, the program including program codes for realizing an image producing method described in claim 12.

17. (Original) A storage medium storing a program executable by a data processing apparatus, the program including program codes for realizing an image producing method described in claim 13.